

**UNITED STATES DISTRICT COURT
District of Maine**

NORTH CREEK FARM, INC.,

Plaintiff

v.

**INHABITANTS OF THE TOWN OF
PHIPPSBURG, et al,**

Defendant

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Civil No. 08-43-P-S

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 8, 2009, his Recommended Decision (Docket No. 56). Plaintiff filed its Objection to the Recommended Decision (Docket No. 57) on January 16, 2009. Defendants filed their Response to Plaintiff's Objection to the Recommended Decision (Docket No. 58) on February 4, 2009.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant David Barnes' Motion for Summary Judgment (Docket No. 20) is **GRANTED**.

3. It is hereby **ORDERED** that Defendant Inhabitants of the Town of Phippsburg's Motion for Summary Judgment (Docket No. 21) is **GRANTED**.
4. It is hereby **ORDERED** that Defendant Rainey Leighton's Motion for Summary Judgment (Docket No. 22) is **GRANTED**.
5. It is hereby **ORDERED** that Defendant Marie Varian's Motion for Summary Judgment (Docket No. 23) is **GRANTED**.
6. It is hereby **ORDERED** that Defendant Michael Young's Motion for Summary Judgment (Docket No. 24) is **GRANTED**.

/s/George Z. Singal

U.S. District Judge

Dated: February 6, 2009